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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDREW CARL PATTERSON,

Defendant and Appellant.

F058262

(Super. Ct. No. VCF022923BX-95)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. Joseph Kalashian, Judge.

Jean M. Marinovich, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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*Before Vartabedian, A.P.J., Hill, J., and Kane, J.

In early June 2009, appellant Andrew Carl Patterson filed a petition for writ of error coram nobis (the petition) in which he asserted, as best we can determine, as follows: In the instant case, in February 1995, pursuant to a plea agreement, he pled no contest to two counts of second degree robbery (Pen. Code, §§ 211, 212.5, subd. (c))¹ and admitted allegations that he had served two separate prison terms for prior felony convictions (§ 667.5, subd. (b)). His plea agreement provided that in both the instant case and in future proceedings in other cases, his two second degree robbery convictions could be considered only one conviction, and that single conviction could not be considered a serious felony conviction within the meaning of section 1192.7, subdivision (b)(19).² However, in May 2008, in Kings County Superior Court case No. 08CM1236, appellant's two robbery convictions in the instant case were alleged as "strikes."³

In the petition, appellant asked the trial court to reverse his two 1995 convictions or, in the alternative, "issue an order directing the subsequent trial court to strike the § 1192.7 (c)(19) serious felony allegation in connection with [the two robbery counts to which appellant pled no contest in 1995]." (*Sic.*)

On June 12, 2009, the court denied the petition. On June 29, 2009, appellant filed a notice of appeal of that ruling.

¹ Except as otherwise indicated, all statutory references are to the Penal Code.

² As used in section 1192.7, "serious felony" means any of a list of enumerated felonies set forth in subdivision (c) of section 1192.7, including "robbery or bank robbery." (§ 1192.7, subd. (c)(19)).

³ We use the term "strike" as a synonym for "prior felony conviction" within the meaning of the "three strikes" law (§§ 667, subds. (b)-(i); 1170.12), i.e., a prior felony conviction or juvenile adjudication that subjects a defendant to the increased punishment specified in the three strikes law.

Appellant summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d. 436.)

Appellant, in response to this court's invitation to submit additional briefing, has submitted a brief in which he, in essence, repeats, with some elaboration, the arguments he made below. Appellant has not demonstrated, and indeed there is no indication, the trial court erred in denying the petition.

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

DISPOSITION

The judgment is affirmed.